

S/L 13
20.9.2022
Court No.652
SD

CO 1592 of 2022

Smt. Shrabani Roy
Vs.
Sri Uttam Roy

Ms. Sananda Bhattacharya
Ms. Pritha Bhaumik

... for the Petitioner.

Mr. Sarathi Dasgupta

... for the Opposite Party.

This is an application under Section 24 of the Code of Civil Procedure at the instance of the petitioner seeking transfer of Matrimonial Suit No.2085 of 2019 from the Court of learned Additional District Judge, Fast Track Court-IV, Barrackpore, North 24-Parganas to the Court of learned Additional District Judge, Ranaghat, Nadia.

The petitioner has contended that the marriage between the petitioner and the opposite party took place on May 26, 2001 according to Hindu rites and customs and they are also blessed with one female child and one male child who are now 16 years and 7 years respectively and both of them are under the custody of the petitioner.

It is further submitted that after the marriage the opposite party and other in laws tried to abuse her with filthy languages and forced her to bring dowry from her parents. The petitioner further submits that the opposite party along with her family members tried to remove the petitioner and her children from her residential accommodation by

torturing her mercilessly and being intolerant of such torture, the petitioner lodged a first information report with the Ranaghat Police Station under Section 498A/34 of the Indian Penal Code which is now pending before the learned ACJM, Ranaghat. Since the petitioner does not have any source of income so she was compelled to file an application under Section 125 of the Code of Criminal Procedure before the Court of learned ACJM, Ranaghat which is also pending before that court. Subsequently, the petitioner also filed another application under Section 12 of the Protection of Women from Domestic Violence Act before the said learned ACJM, Ranaghat which is also pending for disposal.

The petitioner further submits that both the petitioner and the opposite party are resident of Ranaghat and at this juncture, it would be justifiable to transfer the said suit to the court of the learned Additional District Judge, Ranaghat otherwise the petitioner shall suffer immense inconvenience and sufferings, since the petitioner's daughter is a student of class IX of a school at Ranaghat, Nadia and the children of the petitioner are entirely dependant upon the petitioner.

Learned counsel for the opposite party submits that his client has instructed him that the opposite party has no objection if the relief prayed in the present petition for transfer of the matrimonial suit, is granted. However, the opposite party seeks for a direction for expeditious disposal of the suit, since the suit is pending for about three years.

The copy of the written instruction sent by opposite party be kept with the record.

Having considered the facts and circumstances of the case and that the opposite party has got no objection in respect of the prayer made in this revisional application and that both the parties are resident of Ranaghat, the prayer made by the petitioner is allowed.

The learned District Judge, Barasat is hereby directed to withdraw the Matrimonial Suit No.2085 of 2019 from the Court of learned Additional District Judge at Barrackpore, North 24-Parganas and to transmit the case record to the court of learned District Judge, Nadia at Krishnagar within a period of three weeks from the date of communication of the order and the learned District Judge, Nadia in turn will transfer the said case in the court of learned Additional District Judge, Ranaghat, Nadia.

The transferee court shall give fresh notice upon both the parties before taking up for further proceeding of the suit.

The transferee court is hereby requested to make every endeavour for expeditious disposal of the suit and to conclude the entire proceeding of the suit preferably within one year from the date of receipt of the record.

With these observations, C.O. 1592 of 2022 is disposed of.

Department is directed to serve a copy of this order to the learned District Judge, Barasat as well as the learned District Judge, Nadia at Krishnagar.

Since, no affidavit-in-opposition is filed by the opposite party, the allegations made in the revisional application are deemed to have not been admitted by the opposite party.

There will be no order as to costs.

Urgent photostat certified copy of this order, if applied for, be given to the parties upon compliance of all necessary formalities.

(Ajoy Kumar Mukherjee, J.)